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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/854,380 | 05/11/2001 | Jonathan Farrington | GB 000054 | 8647 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BAYAT, ALI

ART UNIT PAPER NUMBER

2625

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,380

Applicant(s)

FARRINGTON ET AL.

Examiner

Ali Bayat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's amendment/ arguments filed 8/30/04 have been entered and made of record. Further objections to the specification has been withdrawn, also the newly submitted drawing (Fig. 1), has been approved. Furthermore Applicant's arguments have been fully considered but they are not persuasive.

a) On page 8 line13-page 9 line 4 of Applicant's remarks, Applicant argues, Abbot discloses: that a user may store different types of information, such as video or audio data, and associate the stored data with an input recall tag, and later retrieve the stored data using the associated recall tag (Abbott, column 1, paragraph 6); that the user initiates recall of the data stored by indicating a subject or inputting the recall tag, which is then matched with the recall tag associated with the stored data (Abbott, column 1, paragraph 7); Figures 4 and 5); that the system can automatically determined a recall tag based on a person's name, current date and time, or an approximate age of a person in an image (Abbott, column 3, paragraph 31); that the system can activate a state recall routine based on state recall rules set in advance (Abbott, column 18, paragraphs 128 and 129; Figures 18A and 18B0. Abbot does not disclose or suggest searching for at least on previously captured image matching the captured image, as inter alia, required by independent claims 1 and 12. Abbott does not disclose or suggest matching an image with a second image to retrieve image data.

b) Examiner respectfully disagrees Abbott discloses: input/output devices (Fig. 3 element 320), including a microphone 322, a video camera 323, and other devices 328(corresponds to images 342), see paragraph 41, further, storage

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device 350, which includes Module 340, that stores and retrieves Images 342, Video Recording 343, Audio Recording 344, Recall Tags 345, Annotations 347 and Textual Information 348 are stored; further in Fig. 4 step 420 to receive from the user an indication of one or more recall tags to be associated with the state fragment. Those skilled in the art will appreciate that virtually any type of information can be used as a recall tag, such as an audio or video recording, text information, a digital ink representation of handwriting, a still video image or camera bitmap (paragraph 53), furthermore, Abbott discloses: in Fig.5 elements 520, 545 and 550 provides for number of matches and replay stored state from input devices for the selected match on appropriate output devices and present stored annotations for the selected match on appropriate output devices. See paragraph 58. Yet further in paragraph 38 lines 4-7, Abbott discloses: the CAM system can detect that the user has encountered for a second time a person (e.g., based on face or voice recognition) from whom a state fragment was created of the first encounter).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Abbott, III et al. (US 2002/0032689 A1).

With regard to claim 1 Abbott provides for a memory aid device (Fig.3) comprising: image capture means for capturing an image (Fig.3 elements 323 and 328 paragraph 41); comparison means for automatically searching, upon capture of the captured image, for at least one previously captured image matching the captured image (paragraph 42 lines 11-16, also paragraph 38, lines 1-11, note face recognition); and image recall and display means (Fig.3 element 325), wherein the occurrence of a positive comparison by the comparison by the comparison means causes the image recall and display means to display the at least one previously captured image (paragraph 42 lines 11-16, also paragraph 38, lines 1-11, note face recognition) , the at least one previously captured image including at least one visual memory cues to assist human memory recall (paragraph 53 lines 12-19).

In regard to claim 2, Abbott provides for a memory aid device, wherein data denoting a predetermined condition is generated and compared to corresponding data of the at least one predetermined image, the predetermined condition being location of the device (paragraph 29, note GPS).

As to claim 4, Abbott provides for a memory aid device, wherein the data denoting the predetermined condition is generated from a global positioning system receiver apparatus (paragraph 29, note GPS).

With regard to claims 5-6 and 8. See claim 1 above. They recite similar limitations as claim 1. Hence they are similarly analyzed and rejected.

In regard to claim 11, Abbott provides for a memory aid device, wherein predetermined condition including the time and/or date is determined and a situation analysis means comprises means coupled to a source of the time/date data and operable to determine when the current time/date satisfies predetermined criteria for recall and display of one or more previously captured images (paragraph 31, lines 9-16).

With regard to claim 12. See claim 1 above. It recites similar limitations as claim 12. Hence it is similarly analyzed and rejected.

As to claims 13-14, Abbott provides for a memory aid device, wherein the at least one visual memory cue is a visual cue other than an image of a human face in the at least one previously capture image (paragraph 53 lines 12-19, note a photo of the environment and past surroundings).

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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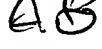
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915. The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat 
Patent examiner
Group Art Unit 2625
11/24/04


KANUBHAI PATEL
PRIMARY EXAMINER